
A BILL FOR AN ACT

RELATING TO LOCKSMITHS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that locksmiths should be
2 licensed and regulated by the State to protect the public from
3 the abuse and misuse of locksmithing supplies, manuals, or
4 equipment resulting in violation of public safety and security.
5 Because locksmiths secure and protect property and persons and
6 have the knowledge and tools to bypass or neutralize security
7 devices, locksmiths should be trained in laws such as the
8 Americans with Disabilities Act, building codes, and fire and
9 safety codes, as well as the proper installation and maintenance
10 of security devices for the public well-being. The laws of this
11 State currently do not protect its citizens from the
12 unscrupulous use and abuse of the tools and knowledge of the
13 locksmithing profession by untrained persons or persons who have
14 criminal intent. Accordingly, the purpose of this Act is to
15 provide for the necessary licensure of and regulation of
16 locksmiths.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 LOCKSMITH LICENSING ACT

6 § -1 Title. This chapter shall be known and may be
7 cited as "The Locksmith Licensing Act of 2009".

8 § -2 Definitions. For the purposes of this chapter, the
9 following terms shall have the following meanings, unless the
10 context indicates otherwise:

11 "Board" means the board of locksmiths.

12 "Building permit" means a permit issued by the appropriate
13 county with regard to building construction, remodeling, and
14 other physical changes to property.

15 "Codebook" means a compilation, in any form, of key codes.

16 "Department" means the department of commerce and consumer
17 affairs.

18 "Director" means the director of commerce and consumer
19 affairs.

20 "Emergency" means a life-threatening situation involving a
21 person.



1 "Hearing" means an administrative hearing conducted
2 pursuant to chapter 91.

3 "Inspection" means a periodic examination by the department
4 of the activities and premises of a locksmith to ascertain if
5 the locksmith is carrying out the profession in a manner
6 consistent with the public health, safety, and welfare.

7 "Key duplication machine" means any device that is capable
8 of copying or reproducing keys.

9 "License" or "licensure" means a license by the department
10 to a person possessing the necessary character and minimum
11 skills to engage in the practice of the locksmith profession.

12 "Licensee" means a locksmith licensed under this chapter.

13 "Locksmith" means a natural person who performs locksmith
14 and access control services for compensation and who has been
15 issued a license pursuant to this chapter.

16 "Locksmithing tool" means any tool that is designed, or
17 intended by the user to be used, to open a mechanical or
18 electrical locking device by a means other than that which is
19 intended by the manufacturer of the device for normal operation.

20 "Locksmith services" or "locksmithing services" means:

21 (1) Servicing, installing, repairing, rebuilding,
22 rekeying, repinning, or adjusting locks, mechanical or



1 electronic security devices, safes, vaults, or safe
2 deposit boxes; or

3 (2) Operating a mechanical or electrical security device,
4 safe, or vault by a means other than those intended by
5 the manufacturer of the locking devices, safes, or
6 vaults.

7 "Organization" means any entity other than a natural
8 person, including but not limited to a corporation, partnership,
9 sole proprietorship, or association.

10 "Photo identification card" means a document with a
11 photograph of the licensee on its face issued by the board as
12 proof that a license has been granted.

13 "Safe-opening tool" means any tool that is designed, or
14 intended by the user to be used, to open a safe, vault, safe
15 deposit box, or similar object by means other than that which is
16 intended by the manufacturer of the safe, vault, safe deposit
17 box, or similar object for normal opening.

18 § -3 Board of locksmiths. (a) The board of locksmiths
19 is established in the department of commerce and consumer
20 affairs. The board shall license and regulate the locksmith
21 profession and shall consist of nine members appointed by the
22 governor pursuant to section 26-34 as follows:



1 (1) Six locksmiths; and

2 (2) Three public members.

3 Of the occupational members, all shall have at least five
4 years experience in the locksmith profession and be currently
5 engaged in that profession. The members of the board shall be
6 residents of this State and shall represent the various
7 geographic areas of this State.

8 (b) The terms of the board members shall be four years.

9 Of those members first appointed, three shall be appointed to
10 four-year terms, three for three-year terms, and three for two-
11 year terms. Any vacancy occurring other than by expiration of
12 the member's term shall be filled for the unexpired term by
13 appointment by the governor. No member shall serve more than
14 two successive full terms.

15 (c) A public member of the board shall be a person who:

16 (1) Is not by training or experience a locksmith;

17 (2) Is not a spouse, parent, child, or sibling of a
18 locksmith; and

19 (3) Has no direct or indirect financial interest, except
20 as a consumer, in the locksmith profession.



1 (d) The board shall annually elect from its membership a
2 chairperson and vice-chairperson. Five members of the board
3 shall constitute a quorum.

4 (e) The powers and duties of the board shall include:

5 (1) Establishing qualifications for the licensure of
6 locksmiths to ensure competence and integrity
7 necessary to engage in the profession;

8 (2) Examining, or causing to be examined, the
9 qualification of each applicant for licensure
10 including, when necessary, the preparation,
11 administration, and grading of examinations;

12 (3) Licensing qualified applicants regulated by the board;

13 (4) Levying and collecting fees for licensure and renewal
14 that are sufficient to cover all expenses for the
15 administration and operation of the board and a
16 proportionate share of the expenses of the department.
17 Fees collected under this paragraph shall be deposited
18 into the compliance resolution fund under section
19 26-9(o);

20 (5) Adopting rules in accordance with chapter 91 to ensure
21 continued competency, to prevent deceptive or



1 misleading practices by locksmiths, and to effectively
2 administer the rules adopted by the board;

3 (6) Receiving complaints concerning the conduct of any
4 person whose activities are regulated by the board and
5 to take appropriate disciplinary action if warranted;

6 (7) Ensuring that inspections are conducted relating to
7 the operations of licensees to ensure competency and
8 lawful compliance;

9 (8) Revoking, suspending, or refusing to renew a license
10 for just cause as specified in rules adopted by the
11 board; and

12 (9) Adopting standards of ethics under which the
13 professional activities of regulated persons shall be
14 conducted.

15 § -4 Monetary penalty. Any person who violates this
16 chapter or any rule adopted thereunder shall be subject to a
17 monetary penalty. Monetary penalties imposed by the board shall
18 not exceed \$ for each violation. Moneys collected under
19 this paragraph shall be deposited into the compliance resolution
20 fund under section 26-9(o).

21 § -5 Recovery of cost after grant of formal fact-
22 finding. After a formal fact-finding, wherein a sanction is



1 imposed to fine, suspend, revoke, or deny the renewal of a
2 license, the board may assess the holder thereof the cost of
3 conducting the fact-finding when the board has final authority
4 to grant a license or registration, unless the board determines
5 that the offense is inadvertent or was done in a good faith
6 belief that the act did not violate the law. The cost shall be
7 limited to the reasonable hourly rate for the hearings officer
8 and the actual cost of recording the proceedings.

9 § -6 Adoption of rules and standards. (a) Pursuant to
10 chapter 91, the board shall adopt rules for the training and
11 licensing of locksmiths. The board shall examine and license
12 locksmiths and may establish classifications of training and
13 licensing.

14 (b) Locksmith competency standards and any changes thereto
15 shall be established by rule after a public hearing and
16 consultation with licensed locksmiths who are knowledgeable
17 regarding locksmithing services.

18 § -7 Prohibited activities. (a) No person shall act
19 as, or offer to act as, a locksmith unless the person holds a
20 license to practice locksmithing that has not expired or been
21 revoked or suspended.



1 (b) No business entity shall provide or offer the services
2 of a locksmith unless those services are to be provided by an
3 officer or employee of that entity who holds a license to
4 practice locksmithing that has not expired or been revoked or
5 suspended.

6 (c) It shall be a misdemeanor for any person not licensed
7 under this chapter to advertise that the person is in the
8 locksmith business or to hold oneself out to the public as a
9 locksmith.

10 (d) It shall be unlawful for any person to obtain
11 ownership or possession of locksmithing tools, safe-opening
12 tools, manuals, or codebooks, either in person or through an
13 intermediary or through mail order or other remote-procurement
14 methods, unless the person holds a license under this chapter
15 that has not expired or been revoked or suspended. It shall be
16 unlawful for any organization to obtain ownership or possession
17 of locksmithing tools, safe-opening tools, manuals, or codebooks
18 by means of an employee, officer, or other person who violates
19 this subsection.

20 (e) Nothing in this section shall prohibit the emergency
21 opening services by members of police departments, fire
22 departments, or other government agencies within the scope of



1 their official duties, nor shall sales representatives who are
2 not licensed be prohibited from making bona fide sales
3 demonstrations to locksmiths.

4 (f) No apprentice locksmith may have licensed employees
5 working under the apprentice's supervision.

6 (g) Nothing in this section shall prohibit the acquisition
7 or use of any key duplication machine or key blanks.

8 (h) Nothing in this section shall prohibit the performance
9 of servicing, installing, repairing, or rebuilding of automotive
10 locks by automotive service dealers, lock manufacturers, or
11 manufacturers agents.

12 (i) Nothing in this section shall prohibit the
13 installation of locks or locking devices by building trades
14 personnel on projects that require a building permit.

15 (j) It shall be unlawful for any person to have in the
16 person's possession any locksmithing tools, implements, or
17 outfits with intent to commit burglary, robbery, or larceny.
18 The possession of locksmithing tools, implements, or outfits by
19 any person other than a bona fide dealer, licensed locksmith,
20 automotive reposessor, locking device manufacturer, or
21 manufacturer's agent, who has a reasonable need to possess
22 locksmithing tools for demonstration, testing, or research



1 purposes shall be prima facie evidence of an intent to commit
2 burglary, robbery, or larceny.

3 (k) It shall be unlawful for any person or business entity
4 to engage in any of the following acts:

5 (1) Making use of any designation provided by statute or
6 rule to denote a standard of professional or
7 occupational competence without being duly licensed;

8 (2) Making use of any title, words, letters, or
9 abbreviations that may reasonably be confused with a
10 designation provided by statute or rule to denote a
11 standard of professional or occupational competence
12 without being duly licensed;

13 (3) Materially misrepresenting facts in an application for
14 licensure under this chapter; or

15 (4) Wilfully refusing to furnish the board with
16 information or records required or requested pursuant
17 to this chapter or any implementing rules.

18 (1) Any person who engages in any unlawful act enumerated
19 in this section shall be guilty of a misdemeanor. Any
20 subsequent violation of this section within a thirty-six month
21 period shall constitute a class C felony.



1 (m) The department may institute proceedings to enjoin any
2 person, partnership, corporation, or any other entity from
3 engaging in any unlawful act enumerated in this section. The
4 proceedings shall be brought in the name of the State in the
5 circuit court of the circuit in which the unlawful act occurred
6 or in which the defendant resides.

7 § -8 Licensure. (a) The board of locksmiths may issue
8 licenses to practice locksmithing to all qualified individuals.

9 (b) No person shall engage in performing locksmithing
10 services in this State without having obtained a license to
11 practice locksmithing from the board of locksmiths. The license
12 shall not be transferred or assigned. No license shall be
13 granted if the applicant has an unpardoned felony conviction or
14 has had any prior license to practice locksmithing revoked for
15 fraud, misrepresentation, or any other act that would constitute
16 a violation of this chapter.

17 (c) The term of each license shall be no longer than
18 years.

19 (d) No licensee shall perform locksmithing services unless
20 the licensee shall have available a photo identification card.



1 (e) Every licensee shall display at the licensee's place
2 of business and in a manner easily readable by the general
3 public the license of the licensee.

4 (f) Every licensee shall indicate the license number of
5 the licensee in any and all advertising for locksmithing
6 services to be performed by the licensee.

7 (g) Any applicant for licensure who provides documentation
8 that the applicant has been practicing as a locksmith for at
9 least two consecutive years immediately preceding the date of
10 application and is still engaged in the profession shall be
11 exempt from the examination requirements of this chapter,
12 provided that the applicant applies for licensure prior to
13 December 31, 2010.

14 (h) A nonresident of this State may be licensed as a
15 locksmith by meeting one of the following requirements:

- 16 (1) Receiving a license under this chapter; or
17 (2) Holding a valid license to practice locksmithing in
18 another state with which reciprocity has been
19 established by the board.

20 (i) For nonresident licensees, service of process shall be
21 made upon the director. The director shall then notify or cause



1 to be notified by certified mail, the nonresident licensee named
2 in a service, at the licensee's address of record.

3 § -9 Qualifications for licensure. (a) An applicant
4 for a license shall:

5 (1) Be at least eighteen years of age;

6 (2) Comply with the competency requirements as established
7 by the board;

8 (3) Pay a license fee as established by the board through
9 rules;

10 (4) Comply with the insurance requirements of this
11 chapter;

12 (5) Not have been convicted in any jurisdiction of a crime
13 that reflects unfavorably on the fitness of the
14 applicant to engage in the profession, unless the
15 conviction has been annulled or expunged by court
16 order or for which a pardon has been granted; and

17 (6) Complete all application requirements pursuant to
18 rules adopted by the board.

19 (b) The board shall evaluate the competency of applicants
20 for locksmith licenses. The board may develop and administer an
21 examination to evaluate competency or adopt an examination



1 developed and administered by a recognized professional
2 locksmith association.

3 (c) The board may waive examination requirements for any
4 person who has been issued a license to practice locksmithing
5 within the past three years from another state that the board
6 has determined requires proof of competency standards equivalent
7 to those required in this State; provided that the license is
8 applied for within three months of the effective date of this
9 chapter.

10 (d) Any person applying for a license under this chapter
11 who does not otherwise qualify shall serve an apprenticeship
12 under a licensee or under the board for a period of two years
13 and shall:

14 (1) Complete thirty-two hours of continuing education per
15 year of board-approved classes; and

16 (2) Identify oneself as an "apprentice locksmith" in any
17 advertising.

18 (e) Each applicant shall be required to provide
19 information, including fingerprints of the applicant and such
20 other information as the board may require, to investigate the
21 character, competency, and integrity of the applicant. The
22 board shall conduct such investigation of the applicant's



1 background, character, competency, and integrity as it deems
2 appropriate, and shall request, in accordance with section
3 846-2.7, criminal history records of the applicant from each
4 jurisdiction in which the application form indicates the
5 applicant lived for any substantial period of time. The Hawaii
6 criminal justice data center shall provide the information upon
7 request to the director.

8 (f) The form of application, photo identification card,
9 and method to obtain and renew photographs shall be established
10 by the board through rules.

11 § -10 Employee requirements. (a) All employees of a
12 licensee who perform locksmithing services shall be registered
13 with the board.

14 (b) No person shall be a registered employee of a licensee
15 unless the person:

16 (1) Is a citizen or legal resident alien;

17 (2) Has not been determined by the board to be unfit by
18 reason of conviction of a felony or misdemeanor
19 offense in this State or any another state or
20 convicted of any crime related to the practice of
21 locksmithing. The department shall adopt rules for
22 procedures by which those circumstances shall be



1 determined and that afford the applicant due process
2 of law; and

3 (3) Has not had an employee registration refused,
4 suspended, or revoked under this chapter.

5 (c) No person may be employed by a licensee until the
6 person has executed and furnished to the licensee, on forms
7 approved by the board, a verified statement to be known as an
8 "employee's statement" setting forth:

9 (1) The person's full name, date of birth, and residence
10 address;

11 (2) The name of the country of which the person is a
12 citizen; and if the person is not a citizen of the
13 United States, proof that the person is a legal
14 resident alien;

15 (3) The business or occupation engaged in for the five
16 years immediately before the date of the execution of
17 the statement, the place where the business or
18 occupation was engaged in, and the names of employers,
19 if any;

20 (4) That the person has not had a license or employee
21 registration refused, revoked, or suspended under this
22 chapter;



1 (5) Any conviction for a felony relating to locksmithing;

2 (6) Any other information required by the board to
3 establish the good character, competency, and
4 integrity of the person executing the statement.

5 (d) Each licensee shall submit to the board, with the
6 applicable fees, on fingerprint cards furnished by the board,
7 two complete sets of fingerprints that are verified to be those
8 of the applicant.

9 (e) The employer, with the written authorization of the
10 employee, shall conduct a criminal history record check of all
11 new employees employed in a locksmith capacity directly through
12 the Hawaii criminal justice data center upon certification to
13 the board that the signature on the authorization is authentic.

14 (f) Each licensee shall maintain a record of each
15 registered employee. The record shall contain the following
16 information:

17 (1) A photograph taken within ten days of the date that
18 the employee begins employment with the licensee. The
19 photograph shall be replaced with a current photograph
20 every three calendar years;

21 (2) The employee's statement; and



1 (3) A record of all board-approved classes taken by the
2 employee together with the dates. Each employee must
3 take a minimum of sixteen hours of continuing
4 education courses per year.

5 (g) A duly authorized representative of the department
6 shall be allowed complete access to all records to be kept
7 pursuant to this section upon three days advance notice in
8 writing provided to the licensee.

9 § -11 License expiration and renewal. (a) Any license
10 granted pursuant to this chapter shall expire at the end of its
11 term unless renewed pursuant to rules established by the board.

12 (b) To be eligible for license renewal, an individual
13 licensed under this chapter shall complete a minimum of sixteen
14 hours of continuing education per year in classes approved by
15 the board.

16 (c) An affirmative vote by a majority of all board members
17 shall be required to suspend or revoke a license or to impose a
18 sanction on a license; provided that an affirmative vote of a
19 majority of a quorum of the board shall be sufficient for
20 summary suspension or its equivalent. A board member shall
21 disqualify oneself and withdraw from any case in which the board
22 member cannot accord fair and impartial consideration.



1 § -12 Licensee requirements with regard to employees.

2 (a) No licensee may employ any person who performs locksmithing
3 services unless the licensee:

4 (1) Submits to the board the name, address, date of birth,
5 and such other information sufficient to identify the
6 person, as the board shall require by rule, including
7 fingerprint cards and fees;

8 (2) Exercises due diligence to ensure that the person is
9 qualified under the requirements of this chapter to be
10 a registered employee of a licensee; and

11 (3) Maintains for any month in which an employee was hired
12 or terminated, a roster of all employees who were
13 either hired or terminated the previous month and
14 submits the roster to the board by the tenth of the
15 month.

16 (b) The licensee shall maintain each roster for at least
17 twenty-four months. The licensee shall not be required to
18 submit a roster for any month during which no employee was hired
19 or terminated. Failure to maintain and submit the specified
20 rosters shall be grounds for discipline under this chapter.

21 (c) Failure of a licensee to notify the board when a new
22 employee is hired and to submit fingerprint cards and fees



1 required before scheduling the person for work is a violation of
2 this chapter. Violations are subject to a fine of up to
3 \$ or other disciplinary action.

4 (d) If information is discovered affecting the
5 registration of a person whose fingerprints were submitted under
6 this section, the board shall notify the licensee that submitted
7 the fingerprints on behalf of that person.

8 (e) Every licensee shall furnish an employee
9 identification card to each of its registered employees based
10 upon a card format established by the board. The employee
11 identification card shall contain a recent photograph of the
12 employee, the employee's name, the name and license number of
13 the licensee, the employee's personal description, the signature
14 of the employee, the date of issuance, and an employee
15 identification card number that shall be the licensee's license
16 number followed by a unique suffix for each employee.

17 (f) A licensee shall not issue an employee identification
18 card to any person who is not employed by the licensee in
19 accordance with this section or falsely state or represent that
20 a person is or has been in the employ of the licensee. It shall
21 be a violation for an applicant for registered employment to
22 file with the board the fingerprints of a person other than



1 oneself, or for a licensee to fail to exercise diligence in
2 resubmitting replacement fingerprints for those employees who
3 have had original fingerprint submissions returned as
4 unclassified.

5 (g) Every licensee shall make a reasonable effort to
6 obtain the identification card of every employee who terminates
7 employment with the licensee.

8 § -13 List of locksmiths. The department shall maintain
9 a list of the names and addresses of all locksmiths licensed
10 under this chapter. The lists shall also be mailed by the
11 department to any person upon request and payment of appropriate
12 fees.

13 § -14 Insurance. A licensee shall maintain an insurance
14 policy sufficient for the purpose of paying claims or judgments
15 for damages that may occur as a result of any negligence by the
16 licensee or the licensee's employees.

17 § -15 Customer identification. (a) Any licensee who
18 knowingly and wilfully opens any residential or commercial
19 establishment for another by any method, whether or not for
20 compensation, shall make a reasonable attempt to obtain correct
21 information regarding the street address of the resident or
22 commercial establishment and the signature of the person for



1 whom the residence or commercial establishment was opened on a
2 work order form. The licensee shall obtain from the person
3 requesting entry to the resident or commercial property the
4 requestor's name, address, telephone number, date of birth, and
5 driver's license or other identification number. A copy of each
6 work order shall be retained for one year. It shall include the
7 name and license number of the licensee performing the service
8 and shall be available for inspection by the director during
9 business hours or submitted to the director upon request.

10 (b) Any licensee who opens a motor vehicle registered
11 under chapter 286 for another by any method, whether or not for
12 compensation, shall attempt to obtain information regarding the
13 name, address, telephone number, and driver's license number or
14 other identification of the person requesting the entrance, as
15 well as the registration or identification number of the vehicle
16 for which entrance is requested. The information, together with
17 the date the service was performed and the signature of the
18 person requesting entrance, shall be set forth on a work order.
19 A copy of each work order form shall be retained for one year
20 and include the name and license number of the licensee
21 performing the service and shall be available for inspection by



1 the director during business hours or submitted to the director
2 upon request."

3 SECTION 3. Section 846-2.7, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) Criminal history record checks may be conducted by:

6 (1) The department of health on operators of adult foster
7 homes or developmental disabilities domiciliary homes
8 and their employees, as provided by section 333F-22;

9 (2) The department of health on prospective employees,
10 persons seeking to serve as providers, or
11 subcontractors in positions that place them in direct
12 contact with clients when providing non-witnessed
13 direct mental health services as provided by section
14 321-171.5;

15 (3) The department of health on all applicants for
16 licensure for, operators for, and prospective
17 employees, and volunteers at one or more of the
18 following: skilled nursing facility, intermediate
19 care facility, adult residential care home, expanded
20 adult residential care home, assisted living facility,
21 home health agency, hospice, adult day health center,
22 special treatment facility, therapeutic living



1 program, intermediate care facility for the mentally
2 retarded, hospital, rural health center and
3 rehabilitation agency, and, in the case of any of the
4 above-related facilities operating in a private
5 residence, on any adult living in the facility other
6 than the client as provided by section 321-15.2;

7 (4) The department of education on employees, prospective
8 employees, and teacher trainees in any public school
9 in positions that necessitate close proximity to
10 children as provided by section 302A-601.5;

11 (5) The counties on employees and prospective employees
12 who may be in positions that place them in close
13 proximity to children in recreation or child care
14 programs and services;

15 (6) The county liquor commissions on applicants for liquor
16 licenses as provided by section 281-53.5;

17 (7) The department of human services on operators and
18 employees of child caring institutions, child placing
19 organizations, and foster boarding homes as provided
20 by section 346-17;



- 1 (8) The department of human services on prospective
2 adoptive parents as established under section 346-
3 19.7;
- 4 (9) The department of human services on applicants to
5 operate child care facilities, prospective employees
6 of the applicant, and new employees of the provider
7 after registration or licensure as provided by section
8 346-154;
- 9 (10) The department of human services on persons exempt
10 pursuant to section 346-152 to be eligible to provide
11 child care and receive child care subsidies as
12 provided by section 346-152.5;
- 13 (11) The department of human services on operators and
14 employees of home and community-based case management
15 agencies and operators and other adults, except for
16 adults in care, residing in foster family homes as
17 provided by section 346-335;
- 18 (12) The department of human services on staff members of
19 the Hawaii youth correctional facility as provided by
20 section 352-5.5;
- 21 (13) The department of human services on employees,
22 prospective employees, and volunteers of contracted



1 providers and subcontractors in positions that place
2 them in close proximity to youth when providing
3 services on behalf of the office or the Hawaii youth
4 correctional facility as provided by section 352D-4.3;

5 (14) The judiciary on employees and applicants at detention
6 and shelter facilities as provided by section 571-34;

7 (15) The department of public safety on employees and
8 prospective employees who are directly involved with
9 the treatment and care of persons committed to a
10 correctional facility or who possess police powers
11 including the power of arrest as provided by section
12 353C-5;

13 (16) The department of commerce and consumer affairs on
14 applicants for private detective or private guard
15 licensure as provided by section 463-9;

16 (17) Private schools and designated organizations on
17 employees and prospective employees who may be in
18 positions that necessitate close proximity to
19 children; provided that private schools and designated
20 organizations receive only indications of the states
21 from which the national criminal history record
22 information was provided pursuant to section 302C-1;



- 1 (18) The public library system on employees and prospective
2 employees whose positions place them in close
3 proximity to children as provided by section 302A-
4 601.5;
- 5 (19) The State or any of its branches, political
6 subdivisions, or agencies on applicants and employees
7 holding a position that has the same type of contact
8 with children, vulnerable adults, or persons committed
9 to a correctional facility as other public employees
10 who hold positions that are authorized by law to
11 require criminal history record checks as a condition
12 of employment as provided by section 78-2.7;
- 13 (20) The department of human services on licensed adult day
14 care center operators, employees, new employees,
15 subcontracted service providers and their employees,
16 and adult volunteers as provided by section 346-97;
- 17 (21) The department of human services on purchase of
18 service contracted and subcontracted service providers
19 and their employees serving clients of the adult and
20 community care services branch, as provided by section
21 346-97;



1 (22) The department of human services on foster grandparent
2 program, retired and senior volunteer program, senior
3 companion program, and respite companion program
4 participants as provided by section 346-97;

5 (23) The department of human services on contracted and
6 subcontracted service providers and their current and
7 prospective employees that provide home and community-
8 based services under Section 1915(c) of the Social
9 Security Act (Title 42 United States Code Section
10 1396n(c)), or under any other applicable section or
11 sections of the Social Security Act for the purposes
12 of providing home and community-based services, as
13 provided by section 346-97;

14 (24) The department of commerce and consumer affairs on
15 proposed directors and executive officers of a bank,
16 savings bank, savings and loan association, trust
17 company, and depository financial services loan
18 company as provided by section 412:3-201;

19 (25) The department of commerce and consumer affairs on
20 proposed directors and executive officers of a
21 nondepository financial services loan company as
22 provided by section 412:3-301;



1 (26) The department of commerce and consumer affairs on the
2 original chartering applicants and proposed executive
3 officers of a credit union as provided by section
4 412:10-103;

5 (27) The department of commerce and consumer affairs on:
6 (A) Each principal of every non-corporate applicant
7 for a money transmitter license; and
8 (B) The executive officers, key shareholders, and
9 managers in charge of a money transmitter's
10 activities of every corporate applicant for a
11 money transmitter license,
12 as provided by section 489D-9;

13 (28) The department of commerce and consumer affairs on
14 applicants for licensure and persons licensed under
15 title 24;

16 (29) The Hawaii health systems corporation on:
17 (A) Employees;
18 (B) Applicants seeking employment;
19 (C) Current or prospective members of the corporation
20 board or regional system board; or
21 (D) Current or prospective volunteers, providers, or
22 contractors,



1 in any of the corporation's health facilities as
2 provided by section 323F-5.5;

3 ~~[+]~~ (30) ~~[+]~~ The department of commerce and consumer affairs on
4 an applicant for a mortgage loan originator's license
5 as provided by chapter 454F; ~~[and]~~

6 (31) The department of commerce and consumer affairs on
7 applicants for licensure as a locksmith as provided by
8 section -9; and

9 ~~[+(31)+]~~ (32) Any other organization, entity, or the State,
10 its branches, political subdivisions, or agencies as
11 may be authorized by state law."

12 SECTION 4. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on July 1, 2010.

18

INTRODUCED BY:  (BR)

JAN 19 2010



Report Title:

Locksmith; Licensing

Description:

Requires licensure for and regulation of locksmiths. Authorizes criminal history record checks.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

